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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,860	04/21/2006	Michael Greve	5048.1004	5748
23280 7590 04/15/2008 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER				
SHU, HO T				
ART UNIT		PAPER NUMBER		
2157				
MAIL DATE		DELIVERY MODE		
04/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,860

Applicant(s)

GREVE, MICHAEL

Examiner

HO SHIU

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claim 26 is pending in this application. Claim 26 has been amended for minor informalities on 01/25/2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Bandini et al. (Pub # US 2002/0199095 A1, hereinafter Bandini).**

4. With respect to claim 26, Bandini discloses:

Method of monitoring messages addressed to a first receiver (EI) (abstract) in which the first receiver (EI) is a first set-up user account in a communications service and comprises an undesirable receiving device (UNE) (paragraph 0011, lines 3-5), the first receiver (EI) is set up to prevent access by a user of the first receiver (EI) to the undesirable receiving device (UNE) (paragraph 0019, lines 7-10, paragraph 0021, lines 12-14), an undesirable message category is defined which indicates messages which are to be prevented from being delivered to a user of the first receiver (E 1) (abstract),

it is checked whether a message (M) addressed to the first receiver (EI) falls into the undesirable message category (paragraph 0023, lines 1-2, lines 6-10), the message (M) is allocated to the undesirable receiving device (UNE) if the message (M) falls into the undesirable message category (paragraph 0019, lines 7-10, paragraph 37, lines 3-7, quarantined is being known as a state of enforced isolation), and the first receiver (E 1) is set up in order that the undesirable receiving device (UNE) can only be accessed by a second receiver (E2), which is a second set-up user account in the communications service (paragraph 0021, lines 22-25, paragraph 35, lines 14-17, paragraph 38, lines 1-5, quarantined is being known as a state of enforced isolation).

Response to Arguments

5. Applicant's arguments, with regards to claim 26, filed 01/25/2008 have been fully considered by they are not persuasive.
6. On page 4 of the Applicant's Response, applicants state that they do not know what the asserted second receiving device is in Bandini et al. Applicant's argues that "the undesirable receiving device (UNE) can only be accessed by a second receiver (E2)" in which Bandini does not disclose.

The Examiner respectfully disagrees with Applicant's arguments because Bandini discloses "Borderline messages are preferably quarantined in the Message Store database and are subject to further examination typically by an administrator ([0021], lines 22-25)". Bandini also discloses that "email messages are quarantined for

review by an administrator ([0035], lines 14-15) followed by "the e-mail relay provides an interface for an administrator to review quarantined messages ([0038], lines 3-5)". The second receiver in this case is an administrator. The messages are quarantined (which by definition is a state of enforced isolation) so that only the administrator have access to these messages. All types of administrator have a user account that allows them special privileges which regular users do not have authority of. In this case, one of the special privileges of the administrator is to have access to the quarantined messages. Therefore, an administrator implicitly needs to have a set user account in order for the system to recognize if the user was an administrator granting them special access/privileges.

7. Therefore, in view of the above reasons, Examiner maintains rejections.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HO SHIU whose telephone number is (571)270-3810. The examiner can normally be reached on Mon-Thur (8:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157